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I. STATEMENT OF POLICY

It is the policy of the Department of Children and Family Services (DCFS) to make a reasonable effort to return to work on a restricted or light duty basis those employees who are off duty as a result of job-related injuries or illnesses, receiving Worker's Compensation benefits, and are temporarily unable to return to their full former employment. **DCFS cannot, however, guarantee placement and is under no obligation to offer, create, or encumber any specific position for the purpose of offering placement.**

The return-to-work policy is economically beneficial to DCFS, the State of Louisiana, as well as employees in regaining the economic, health, and emotional benefits of full employment.

This policy is authorized by the Louisiana Worker's Compensation Act, [Senate Concurrent Resolution 50 of the 1997 Regular Legislative Session](#).

This policy applies to DCFS employees who are off duty as a result of work-related injuries or illnesses, receiving Worker's Compensation benefits, and have not reached maximum medical improvement when meaningful assignments are available. Any such assignments must serve legitimate business needs and must comply with the employee's medical/physical restrictions. However, such temporary assignments shall not displace other employees from their job duties.

This policy does not apply to employees with disabilities as defined by the Americans with [Disabilities Act \(ADA\) of 1990](#) and any subsequent amendments. Reasonable accommodations will be provided to such employees in accordance with [DCFS Policy 2-04/Reasonable Accommodations](#). Managers should contact the Human Resources Section for guidance on ADA matters.


Note: Employees who are unable to return to work as a result of a work-related illness or injury may be eligible for medical leave in accordance with [DCFS Policy-11 "Family and Medical Leave"](#). In this case, the procedures detailed in that policy shall be followed. Consequently, those employees who have exhausted their FMLA entitlement (if applicable), are unable to return to work, and have a balance of less than 8 hours sick leave may be removed from employment under [Civil Service Rule 12.6 \(a\) 1](#) and in accordance with [DCFS Policy 4-7 "Disciplinary Corrective Actions and Separations"](#).

II. PROCEDURES

A. Return to Work Committee

This policy establishes the Return-To-Work Committee which is comprised of:

- Human Resources Director or designee (who serves as the Committee Chair),

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- Office of Risk Management representative,
- Supervisor of the employee being considered for return-to-work.

Other individuals may participate on the committee such as the safety coordinator, section head, regional administrator, etc., as determined by the Human Resources Director or designee.


The objective of the committee is to expeditiously facilitate the employee's return to duty in some productive capacity during the period of temporary disability and when meaningful assignments are available. The Return-To-Work Committee will be responsible for reviewing all cases of employees who are off duty as a result of work related injuries, illnesses, and diseases, and who are referred by the Office of Risk Management representative as suitable for "transitional" duties.

To be eligible for return-to-work, an employee must:

- be off work as a result of work-related injuries, illness or diseases;
- be receiving Worker's Compensation benefits;
- have the treating physician's approval to return to transitional/light duty work ([Physician's Certificate](#)); and
- provide a written statement from his/her physician indicating that the employee is reasonably expected to return to full duties and work schedule of his/her pre-injury, regular position upon reaching maximum medical improvement or one year, whichever is less.

B. Return to Work Committee Procedures


- Assesses the job tasks of the worker's regular position and what transitional tasks are still applicable, if any to the employee's current physical restrictions.
- If the employee is incapable of performing any job tasks in the position or in the location, in which the employee works, recommends suitable job tasks, workstation, and work schedule within the employee's commuting area.
- Forwards the plan to ORM for processing.
- Concentrates on returning the employee to work activities that are based on physical limitations and transferable skills. Documents all decisions made and actions taken.

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- The section supervisor/manager will provide a list of job tasks from the employee's current job description on an as-needed basis to be submitted to the Human Resources Director and/or designee. The Human Resources Director or designee will retain a copy and forward the job task list to the Office of Risk Management who will provide the information to the treating physician.

Note: The agency is directed not to have direct contact with the treating medical personnel.

- The return-to-work committee shall review the job tasks and identify physical and mental requirements that can be considered "transitional" duties in the work environment.
- Once the treating physician confirms that the employee is capable of performing the "transitional" duty functions, the employee may be allowed to return to work on an appropriate "transitional" duty assignment. The Office of Risk Management will forward the confirmation form to the Human Resource Director or designee.
- An effort will be made to place the employee in his/her original work unit; however, if this is not possible, the committee will recommend a suitable workstation and work schedule. The appointing authority of the work unit in which the "transitional" duty assignment is identified must approve the proposed placement prior to further action being taken.
- Prior to returning to work, the appointing authority or his/her designee will contact the employee to discuss the plan, offer the modified or transition duty, and, if accepted, notify the employee of the date he/she is expected to return to work and the stated period of the temporary assignment. The employee shall sign and date the plan, along with his/her supervisor and an additional witness, certifying that the plan has been discussed with him/her.
- When a detail to special duty is applicable to the transitional duty plan, provisions shall apply and be documented for all classified employees, as follows:
 - Employees may be detailed to special duty for a transitional return- to-work period not to exceed one year. **No extension of this type of detail shall be authorized.**
 - The reason for the detail must be clearly stated and kept in the employee's personnel file in the State Office Human Resources Section.
 - The detail to special duty may be lateral or downward.

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- Details to a higher position will be allowed on a case-by-case basis, when justified. A position may be double encumbered, if fiscally prudent and beneficial to the clients we serve.
- The employee's pay cannot be reduced while on detail.
- The return-to-work committee shall review the "transitional" work plan every 30 days to determine if the employee is still in "transition" based on physician recommendations.
- An employee will be reported to the Office of Risk Management, and may possibly lose benefits, if he/she refuses to return to "transitional" duty for which he/she was medically cleared.

C. Office of Risk Management (ORM)

- Administers claims for medical and disability benefits to employees who are injured on the job.
- Coordinates the Early Return-to-Work Program, including transitional/light duty or alternate duty assignments.
- Through contracts, appoints a consultant who:
 - Provides the treating physician with transitional job duty assignments and consults as appropriate.
 - Makes a determination as to the employee's ability to perform the proposed transitional duties with the anticipation of full performance in his/her regular position within one year of return to transitional/light duty.

D. Appointing Authority

- Each Appointing Authority shall be responsible for implementing this policy and assuring that managers and supervisors comply with the provisions and intent of this policy.
- Will make all final decisions regarding early return to duty. Such placement approval must be granted and documented prior to the employee's return to duty.
- Shall consider and document the impact of any alteration in hours or duties on the productivity, workload, or work environment of other employees, the availability of alternative work assignments, and impact on client services.

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- Shall obtain a determination from the Human Resources Director as to whether or not the employee meets the Civil Service minimum qualification requirements of the position job title. Position must be currently allocated, budgeted, vacant, and not filled by detail to special duty.
- Must assess and determine that the section where the position is located has a need for the vacancy to be filled.

E. Human Resources Director or Designee

- Facilitates management of all transitional return to duty cases.
- Acts as liaison for all interested parties, and as such remains available for general information and assistance to the sections in making determination on accommodations.
- If applicable, review forms for completion by appropriate persons.
- Informs injured employee of benefit options, rights and responsibilities.
- Maintains contact with the appointing authority, DCFS Bureau of General Counsel (BGC), injured employee and ORM.
- Addresses human resources concerns such as classification issues and provides the Appointing Authority with a recommendation as to whether or not the modification complies with Civil Service Rules and guidelines.
- Maintains injury records, history, and confirms written offers of placement to employees, and provides copies to appropriate safety coordinator.
- Works with the supervisor or designated staff to identify specific job tasks and suggest appropriate job modifications.
- Submits the completed Transitional Duty Plan to ORM.
- Ensures the injured employee's salary and benefits are handled appropriately.

F. Section Supervisor/Manager

- Develops a list of essential duties ([see sample](#)) for the employee's
- Pre-injury, regular position, which is forwarded to the Human Resources Director or designee.

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- When appropriate, identifies or develops modified work assignment for the employee, within medical restrictions.
- When necessary, requests approval of the appointing authority to effect a detail to special duty for a period not to exceed one year to a temporary alternative duty position or modified duty assignment.
- Maintains contact with the injured worker and the Human Resources Director or designee.
- Participates on the Return-to-Work Committee.
- Ensures employee's file is fully documented detailing all actions taken to return employee to work.

G. Employee


- Follows all DCFS policies and practices regarding attendance and leave.
- Provides his/her immediate supervisor with regular updates on status.
- If offered a transitional duty placement, accepts and returns to modified duty status or modified work schedule which is within restrictions as set by the treating physician.
- If the employee refuses the proposed modified position or reassignment of duties, he/she must submit a written statement of the refusal.
- If medically cleared, returns to and performs all essential requirements of the pre-injury, regular position at the end of his transitional duty.

H. Safety Coordinator

- May serve on the Return-to-Work Committee or offer advice as necessary.
- If applicable, reviews form for completion.

I. Final Considerations

- DCFS reserves the right to obtain a second medical opinion on the employee's condition at the employer's choosing and expense.
- In the event an employee refuses an accommodation or reassignment to duties that are within the employee's restrictions and ability to perform, the employer is

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not obligated to provide alternatives. In such case, DCFS Human Resources will notify the State Office of Risk Management which may result in the termination of the employee's worker's compensation benefits. Disciplinary action may be taken if the employee refuses to return to work in accordance with this policy and procedures.

- If, at the end of the transitional duty period, the employee is not fully recovered and/or able to perform all of the essential functions of his/her regular position, he/she shall return to Worker's Compensation status, return to a leave of absence, and shall not be eligible for an additional transitional duty period.
- DCFS will generally not allow overtime status to individuals working under this program; however, it shall be at the employing Appointing Authority discretion whether the employee's restrictions permit overtime work.
- Implementation of this policy is the responsibility of DCFS; however, it will require cooperation and coordination among section supervisors/managers, Human Resources, legal staff, the employee, and his/her physician.
- DCFS receives an annual premium assessment for Worker's Compensation costs. This premium is based on both employee exposure and claims experience and is allocated to sections. Thus there is an incentive for sections to reduce Worker's Compensation lost time payment costs.

J. Exceptions

The Secretary, Deputy Secretaries, and Undersecretary may grant an exception to any provision of this policy, provided such exception shall not be in conflict with Civil Service Rules and Regulations or State and Federal laws.

If an employee is off on a Worker's Compensation claim and has been released from the doctor to work with no limitations, this policy should not apply.


III. FORMS AND INSTRUCTIONS

[Physician's Certificate \(Sample\)](#)

IV. REFERENCES

[DCFS List of Essential Job Duties \(Sample\)](#)

[DCFS Policy 2-04/Reasonable Accommodations](#)

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[Civil Service Rule 12.6](#)

[DCFS Policy 4-11/Family and Medical Leave](#)

[DCFS Policy 4-7/Disciplinary Corrective Actions & Separations](#)

[Disabilities Act \(ADA\) of 1990](#)

[Senate Concurrent Resolution 50 of the 1997 Regular Legislative Session](#)

Definition

Return-to-work: Is a “transitional” duty assignment designed to provide employees who are receiving Worker’s Compensation benefits as a result of an on-the-job injury, illness, or disease, the opportunity to perform productive work within the physical and environmental limitations posed by the injury or illness.